

PEOPLE'S ORDINANCE NO. 10

SERIES 1984

AN ORDINANCE AMENDING CERTAIN SECTIONS  
OF THE BRECKENRIDGE GENERAL OFFENSES  
ORDINANCE NO. 13, SERIES 1981

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
BRECKENRIDGE, COLORADO:

SECTION I.

Section 104 of Ordinance No. 13, Series 1981 is hereby amended to read as follows:

Section 104 DEFINITIONS

(1) "Alcoholic Beverages" means any fermented malt beverage (three and two-tenths percent alcohol by weight or less), malt, vinous or spirituous liquors (more than three and two-tenths percent alcohol by weight).

SECTION II.

Sections 310, 314, and 315 of Ordinance No. 13, Series 1981 are hereby amended to read as follows:

Section 310 JOYRIDING

(1) Any person who drives or takes any motor vehicle without the consent of the owner or lawful possessor thereof, with the intent of temporarily depriving the owner or possessor of the use of the same, or temporarily making use thereof, commits joyriding, which is unlawful.

(2) If the person who in the course of so driving or taking the motor vehicle does one or more of the following, joyriding has not occurred.

Section 314 DAMAGE TO PRIVATE PROPERTY

It shall be unlawful for any person intentionally, knowingly, or recklessly to injure, deface, destroy, or sever in any manner any real or personal property, or improvements thereto, of any other person in this Town where the aggregate damage is less than two hundred dollars.

Section 315 DAMAGE TO TOWN PROPERTY

It shall be unlawful for any person intentionally, knowingly, or recklessly to injure, deface, destroy or sever in any manner any real or personal property or improvements thereto belonging to the Town where the aggregate damage is less than two hundred dollars.

SECTION III.

Sections 401, 402, and 405 of Ordinance No. 13, Series 1981 are hereby amended to read as follows:

Section 401 DISORDERLY CONDUCT

(1) (e) Urinates or defecates upon any public or private place other than in a toilet facility provided for such purpose.

(2) It is an affirmative defense under subsection (1) (a) of this section that the actor had significant provocation for his threatening conduct.

Section 402 LOITERING

(2)(a)(i) Takes flight upon appearance of peace officers; or

Section 405 INJURY OR REMOVAL OF SIGNS

It is hereby unlawful for any unauthorized person to willfully remove, deface, injure, damage or destroy any street sign or traffic control or warning sign, barricade, or device erected or placed in or adjacent to any street. It is further provided that this section shall not apply where the aggregate damage to such street sign, barricade, or traffic control or warning device is two hundred dollars or more.

SECTION IV.

101 FINES AND PENALTIES

Any person convicted in the Municipal Court of a violation of any Ordinance of the Town of Breckenridge may be imprisoned in the County Jail or such other suitable place as shall be provided by said Town for a period not to exceed ninety days or fined an amount not to exceed three hundred dollars or both; provided, however, that no person under the age of 18 years as of the date of the offense for which he was convicted, shall be subject to the imposition of a jail sentence, except in the case of a conviction of a traffic offense or as otherwise provided by the Colorado Children's Code; provided further, that any lesser penalty than that which is permitted herein may be expressly provided for by Charter or Ordinance of the Town of Breckenridge and in such cases, such lesser penalty shall be controlling upon the Municipal Court.

102 COMMITMENT FOR FAILURE TO PAY FINE

(1) Every person against whom a fine or penalty shall be assessed under the Ordinances of the Town, who shall refuse or neglect to pay the same when demanded, upon execution ordered by the municipal judge may be committed in default thereof to the Summit County jail or such other suitable place as shall be provided by said Town under the direction of the proper officer until said fine or penalty is fully paid and satisfied or the person has served the maximum incarceration period for the offense of which such person was convicted, whichever first occurs. Such satisfaction shall be made at the rate of six dollars per twenty four hour day, and such person may be required to do any reasonable work. The foregoing notwithstanding, in the discretion of the municipal judge, a stay of execution may be granted to enable the defendant to pay the fine or penalty at a later date or in installment payments. In case the defendant shall refuse or neglect to comply with the terms of the stay of execution, the execution may issue and the defendant may be committed to the Summit County jail, as hereinabove provided, until such fine, penalty or judgement is fully paid or otherwise satisfied.

(2) Upon the failure or neglect by a person to pay a fine as directed by the Municipal Court, the Court shall inquire as to the grounds for said person's neglect or failure to pay such fine. Should the Court be satisfied that the grounds for said person's failure to pay the fine is solely indigency, the Court shall not incarcerate said person; provided, however, that the person who owes the fine has the burden of going forward and persuasion of the issue of indigency.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED

PUBLISHED IN FULL ONLY this 22nd day of May, 1984. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 12th day of June, 1984 at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE

*Rosemary Ahern*      *Stephen C. West*  
Rosemary Ahern, CMC, Town Clerk      Stephen C. West, Mayor

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 12th day of June, 1984.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

*Rosemary Ahern*      *Stephen C. West*  
Rosemary Ahern, CMC, Town Clerk      Stephen C. West, Mayor

APPROVED IN FORM

*W. D. McChaffy*      *6/26/84*  
Town Attorney      Date